



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

APR 14 2014

Jeffrey H. Kazanow

Kennesaw, GA 30152

RE: MUR 6640

Dear Mr. Kazanow:

On September 13, 2012, the Federal Election Commission notified you and your campaign committee, Friends of Jeff Kazanow and its treasurer (collectively the "Committee") of a complaint alleging violations of the Federal Election Campaign Act of 1971, as amended (the "Act"). On April 9, 2014, on the basis of the information in the complaint and information provided by you, the Commission decided to dismiss the complaint and closed its file in this matter.

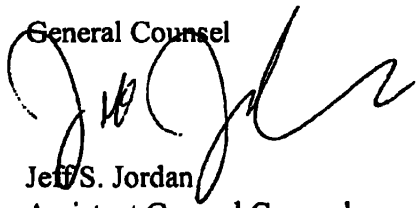
The Commission encourages the Committee to review the Factual and Legal Analysis, which sets forth the statutory and regulatory provisions considered by the Commission in this matter. In particular, the Commission reminds the Committee to take steps to comply with the requirements of 11 C.F.R. § 104.5 concerning the timely filing of financial disclosure reports. For further information on the Act and Commission regulations, please refer to the Commission's website at www.fec.gov or contact the Commission's Public Information Division at (202) 694-1100.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66,132 (Dec. 14, 2009).

If you have any questions, please contact Ruth Hoilizer, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

General Counsel

BY: 
Jeff S. Jordan
Assistant General Counsel
Complaints Examination
& Legal Administration

Enclosure: Factual and Legal Analysis

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Friends of Jeff Kazanow
and Jeff Kazanow as treasurer
Jeffrey H. Kazanow

MUR 6640

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I. INTRODUCTION

This matter was generated by a Complaint filed by Robert Sterling ("Sterling") alleging violations of the Federal Election Campaign Act of 1971, as amended (the "Act"), and Commission regulations by Respondents Friends of Jeff Kazanow and Jeff Kazanow in his official capacity as treasurer (collectively the "Committee") and Jeffrey H. Kazanow.¹ After reviewing the record, the Commission exercised its prosecutorial discretion and dismissed the allegation.

II. FACTUAL AND LEGAL ANALYSIS

A. Factual Background

Sterling states that Kazanow's Statement of Candidacy, which was filed on May 31, 2012, failed to include the year Kazanow was seeking election. The Reports Analysis Division ("RAD") sent Kazanow a Request for Additional Information ("RFAI") on June 6, 2012 requesting that Kazanow provide an amended Statement of Candidacy by July 11, 2012, but Kazanow failed to do so. *Id.* Sterling also contends that the Committee's first financial disclosure report, the 2012 July quarterly report, should have been filed with the Commission by July 15, 2012, but states that it was not received by the Commission until July 18, 2012. Finally,

¹ Kazanow was a 2012 candidate in Georgia's 6th congressional district.

1 Sterling claims that the Committee's website, www.kazanowforcongress.com, lacked a
2 disclaimer stating that the Committee had paid for it.²

3 Responding on behalf of himself and his Committee, Kazanow asserts that he did not
4 receive "notice" that his Statement of Candidacy was defective. Resp. at 1. After having been
5 made aware of the problem, Kazanow filed an amended Statement of Candidacy.³ *Id.* As for his
6 Committee's 2012 July quarterly report, Kazanow argues that it was delivered to a Federal
7 Express shipping facility "on the due date of the 15th." *Id.* Kazanow declares that the
8 disclaimer allegation results from a "misunderstanding" and that the Committee's website
9 always included the phrase "© Jeff Kazanow for Congress." *Id.* He states that the website now
10 includes "'Paid for by Friends of Jeff Kazanow' to assure full compliance." *Id.*

11 **B. Legal Analysis**

12 Principal committees of candidates for the House of Representatives, such as the
13 Committee, must file financial disclosure reports, including quarterly reports. 2 U.S.C.
14 § 434(a)(2). July quarterly reports, covering the second quarter of the calendar year, must be
15 filed with the Commission no later than July 15th. *Id.*; *see also* 11 C.F.R. § 104.5(a)(1)(i).
16 Quarterly reports sent to the Commission using registered or certified mail, Priority or Express
17 mail, or an overnight delivery service, shall be considered to be "filed" as of the date of the
18 postmark. *See* 11 C.F.R. § 104.5(e). Appended to the Committee's 2012 July quarterly report is
19 the Commission's "envelope replacement page," which discloses that the report was shipped on

² Sterling also alleges that Kazanow failed to file a personal financial disclosure report with the Committee on Ethics of the U.S. House of Representatives. Compl. at 1. Kazanow states that he sent the financial disclosure report to the Clerk of the House of Representatives by letter dated October 22, 2012, via overnight mail. Resp. at 1-2. These reports, which are required by the Ethics in Government Act of 1978, do not fall within the Commission's jurisdiction. Therefore, we do not address this allegation further.

³ The amended Statement of Candidacy lists "2012" as the election year, *see* <http://docquery.fec.gov/pdf/926/12030933926/12030933926.pdf> at 2.

1 July 16, 2012 by "overnight delivery service."⁴ Therefore, it appears that the report was filed on
2 July 16, 2012, one day late.⁵

3 Under the Commission's disclaimer regulations, a political committee must provide
4 disclaimers on websites available to the general public stating that the committee paid for the
5 website. See 11 C.F.R. § 110.11(a)(1), (b)(1). Kazanow does not dispute that the Committee's
6 website failed to include the requisite disclaimer. However, the website apparently included
7 sufficient identifying information so that the public was unlikely to have been misled.

8 In light of the relatively limited scope of the violations, and in furtherance of the
9 Commission's priorities relative to other matters pending on the Enforcement docket, the
10 Commission exercised its prosecutorial discretion pursuant to *Heckler v. Chaney*, 470 U.S. 821
11 (1985), and dismissed this matter.

⁴ See 2012 July quarterly report, <http://docquery.fec.gov/pdf/499/12030851499/12030851499.pdf> at 12.

⁵ The Commission's website lists the filing date for the July quarterly report as "July 16, 2012," see <http://www.fec.gov/fecviewer/CandidateCommitteeDetail.do>.